

SPIVAKLIPTON<sub>LLP</sub>

ATTORNEYS AT LAW

**MEMO ENDORSED**

Nicholas J. Johnson  
njohnson@spivaklipton.com  
1040 6th Avenue, 20th Floor  
New York, NY 10018  
T 212.765.2100  
F 212.765.8954  
spivaklipton.com

August 26, 2022

**Via ECF**

The Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

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**Re: United Scenic Artists, Local USA 829, IATSE v.  
Paradise Square Broadway Limited Partnership and Bernard Abrams  
Case No. 1:22-cv-05704 (VEC)**

Dear Judge Caproni:


This firm represents Plaintiff in the above-referenced case. Pursuant to Rule 2.C of Your Honor's Individual Practices in Civil Cases, I write to request an adjournment of the deadline for Plaintiff to reapply for a certificate of default against Defendant Bernard Abrams, which was set for August 29, 2022 by an Order issued this morning. (ECF No. 19.) This is the first request for an adjournment of this deadline. Defendants have not been consulted regarding this request because they have not appeared in this action.

Plaintiff requests this adjournment because Plaintiff intends to file a motion for leave to serve Defendant Bernard Abrams, who is believed to reside in Canada, by postal mail and electronic mail pursuant to Federal Rule of Civil Procedure 4(f). The Clerk of Court notified Plaintiff that its original request for a certificate of default against Defendant Abrams was deficient because, *inter alia*, "service by mail was not granted." (See August 19, 2022 docket entry). Accordingly, absent a grant of leave to serve by mail, reapplying for a certificate of default at this time would be futile. Plaintiff has already served Defendant Abrams by the above-described methods, so Plaintiff anticipates being able to reapply for a certificate of default expeditiously if the Court grants Plaintiff's motion.

For the foregoing reasons, Plaintiff respectfully requests that the Court permit Plaintiff to file by September 2, 2022, a motion for leave to serve Defendant Bernard Abrams by postal mail and electronic mail, and adjourn the deadline to reapply for a certificate of default *sine die*.

Respectfully submitted,

SPIVAK LIPTON LLP

  
Nicholas J. Johnson  
Counsel for Plaintiff

Application GRANTED. Plaintiff must seek leave to serve Defendant Bernard Abrams by postal and electronic mail not later than **September 2, 2022**. The deadlines to reapply for a certificate of default as to Defendant Abrams and to move for default judgment against Defendant Paradise Square Broadway Limited Partnership are hereby ADJOURNED *sine die*.

SO ORDERED.

 8/26/22

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE